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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203201
Party	Defendant Balbina Taguines
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Attachments	Applicant Balbina Taguines' Answer to Amended Notice of Opposition.pdf (5 pages)(48384 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Automotive Rentals, Inc.,

Opposer,

v.

Balbina Taguines,

Applicant.

Opposition No. 91203201
Application Serial No. 85/366,857
Mark: YOUR PARTNER IN BUSINESS
EXCELLENCE!

APPLICANT’S ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicant Balbina Taguines (“Applicant”) hereby answers the Amended Notice of Opposition filed by Opposer Automotive Rentals, Inc. (“Opposer”) as follows:

In response to the introductory unnumbered paragraph, Applicant denies Opposer’s allegation that it will be damaged by the registration of Application Serial No. 85/366,857.

1. In response to paragraph 1, Applicant admits that she filed Application Serial No. 85/366,857 to register Your Partner in Business Excellence! For “on-line advertising services for others” and designated a filing basis of intent to use under Section 1(b).

2. In response to paragraph 2, Applicant responds that she lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 2 and, therefore, denies each and every allegation in paragraph 2.

3. In response to paragraph 3, Applicant responds that she lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 3 and, therefore, denies each and every allegation in paragraph 3.

4. In response to paragraph 4, Applicant responds that she lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 4 and, therefore, denies each and every allegation in paragraph 4.

5. In response to paragraph 5, Applicant denies each and every allegation in paragraph 5.

6. In response to paragraph 6, Applicant denies each and every allegation in paragraph 6.

7. In response to paragraph 7, Applicant denies each and every allegation in paragraph 7.

8. In response to paragraph 8, Applicant denies each and every allegation in paragraph 8.

9. In response to paragraph 9, Applicant denies each and every allegation in paragraph 9.

10. In response to paragraph 10, Applicant denies each and every allegation in paragraph 10.

11. In response to paragraph 11, Applicant responds that she lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 11 and, therefore, denies each and every allegation in paragraph 11.

12. In response to paragraph 12, Applicant denies each and every allegation in paragraph 12.

13. In response to paragraph 13 (misnumbered as 9 in the Amended Notice of Opposition), Applicant denies each and every allegation in paragraph 13 (misnumbered as 9 in the Amended Notice of Opposition).

In response to Opposer's WHEREFORE and prayer for relief paragraph, Applicant denies that there is a basis to sustain the opposition and states that Application Serial No. 85/366,857 should be allowed to register.

AFFIRMATIVE DEFENSES

By way of further answer, Applicant alleges and asserts the following defenses in response to the allegations contained in the Amended Notice of Opposition. In this regard, Applicant undertakes the burden of proof only as to those defenses that are deemed affirmative defenses by law, regardless of how such defenses are denominated in the instant Answer. Applicant reserves the right to assert other affirmative defenses as this opposition proceeds based on further discovery, legal research, or analysis that may supply additional facts or lend new meaning or clarification to Opposer's claims that are not apparent on the face of the Amended Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE **FAILURE TO STATE A CLAIM**

14. Opposer's claims are barred, in whole or in part, because Opposer has failed to state a claim for false suggestion of a connection under §2(a) or dilution under § 43(c). For example, Opposer has failed to allege recognition and fame/reputation for false suggestion of a connection under § 2(a) and failed to allege prior fame for dilution under § 43(c).

SECOND AFFIRMATIVE DEFENSE **NO INJURY OR DAMAGE**

15. Opposer's claims are barred, in whole or in part, because Opposer has not and will not suffer any injury or damage from the registration of Applicant's U.S. Application Serial No. 85/366,857.

THIRD AFFIRMATIVE DEFENSE **LACK OF LIKELIHOOD OF CONFUSION**

16. Applicant's mark differs in terms of sight, sound, and meaning from Opposer's claimed mark(s) and has a distinct commercial impression from Opposer's claimed mark(s).

17. Applicant's use and registration of Applicant's mark does not create a likelihood of confusion among consumers that Applicant's goods or services are offered by, are sponsored by, or are otherwise endorsed by Opposer. Nor does Applicant's use or registration of

Applicant's mark create a likelihood that consumers falsely will believe that Applicant and Opposer are affiliated in any way.

FOURTH AFFIRMATIVE DEFENSE
ESTOPPEL

18. Opposer's claims are barred, in whole or in part, by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE
LACHES

19. Opposer's claims are barred, in whole or in part, by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE
ACQUIESCENCE

20. Opposer's claims are barred, in whole or in part, by the doctrine of acquiescence.

SEVENTH AFFIRMATIVE DEFENSE
INSUFFICIENT PRIOR EXCLUSIVE RIGHTS

21. Opposer's claims are barred, in whole or in part, because Opposer cannot establish prior exclusive rights in the United States sufficient to bar Applicant's registration of YOUR PARTNER IN BUSINESS EXCELLENCE!

WHEREFORE, Applicant requests judgment as follows:

1. That the Notice of Opposition be dismissed with prejudice;
2. That Application Serial No. 85/366,857 be allowed to register; and
3. That Applicant be granted further reasonable and appropriate relief.

Dated: July 2, 2012

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the following document:

APPLICANT'S ANSWER TO AMENDED NOTICE OF OPPOSITION

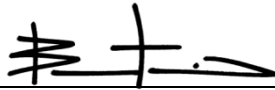
has been served on

Patricia Kane Williams
Law Office of Patricia Kane Williams LLC
418 Washington Ave.
Haddonfield, NJ 08033

by mailing such document on July 2, 2012 by First Class Mail, postage prepaid.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated: July 2, 2012



Bruno W. Tarabichi